

STATE BOARD OF ELECTIONS

STATE OF ILLINOIS

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Charles W. Scholz, Vice Chairman
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Betty J. Coffrin
Ernest L. Gowen
William M. McGuffage
Bryan A. Schneider
Casandra B. Watson

AGENDA

State Board of Elections
Sitting as the Duly Authorized
State Officers Electoral Board
Monday, July 7, 2014
3:00 p.m.

James R. Thompson Center – Suite 14-100
Chicago, Illinois
and via videoconference
2329 S. MacArthur Blvd.
Springfield, Illinois

Call State Board of Elections to order.

1. Recess the State Board of Elections and convene as the State Officers Electoral Board.
2. Call cases and accept appearances - objections to Independent and New Party candidate petitions for the November 4, 2014 General Election;
 - a. *Sherman v. Hawkins & Kusch*, 14SOEBGE506;
 - b. *Sherman v. Davis*, 14SOEBGE507;
 - c. *Sherman v. Moore & Bourland*, 14SOEBGE508;
 - d. *Mathews & Walker v. Parker*, 14SOEBGE509;
 - e. *Carruthers v. Dill*, 14SOEBGE510;
 - f. *Atsaves & Gale v. Hawkins & Kusch*, 14SOEBGE511;
 - g. *Atsaves & Gale v. Davis*, 14SOEBGE512;
 - h. *Atsaves & Gale v. Moore & Bourland*, 14SOEBGE513;
 - i. *Atsaves & Gale v. Oberline, et al.*, 14SOEBGE514;
 - j. *Atsaves & Gale v. Grimm, et al.*, 14SOEBGE515;
 - k. *Yarbrough v. Lopez, et al.*, 14SOEBGE516;
 - l. *Allen v. Samuels*, 14SOEBGE517;
 - m. *Compton v. Shepherd*, 14SOEBGE518;
 - n. *Flores v. Ward*, 14SOEBGE519;
 - o. *Pavelonis v. Tripp*, 14SOEBGE520.
3. Approve the Rules of Procedure for the State Officers Electoral Board.
4. Authorize the General Counsel to appoint Hearing Examiners as required.
5. Consideration of objections to resolutions to fill vacancies in nomination for the November 4, 2014 General Election;
 - a. *Farrar & Peters, III v. Chaplin*, 14SOEBGE500;
 - b. *Venturi & Daniel v. Mains*, 14SOEBGE501;

- c. *Ramsey v. Granata*, 14SOEBGE502;
 - d. *Rodriguez v. Russell*, 14SOEBGE504.
6. Recess the State Officers Electoral Board until July 21, 2014 at 10:30 a.m. or call of the Chairman, whichever occurs first.
 7. Reconvene as the State Board of Elections.
 8. Other business.
 9. Executive session
 10. Adjourn until July 21, 2014 at 10:30 a.m. or call of the Chairman, whichever occurs first.

RULES OF PROCEDURE

ADOPTED BY THE STATE BOARD OF ELECTIONS AS THE DULY CONSTITUTED STATE OFFICERS ELECTORAL BOARD FOR THE HEARING AND PASSING UPON OBJECTIONS TO NEW POLITICAL PARTY AND INDEPENDENT CANDIDATES SEEKING TO APPEAR ON THE BALLOT FOR THE NOVEMBER 4th, 2014 GENERAL ELECTION

Pursuant to Section 10-10 of the *Election Code* (10 ILCS 5/10-10), the State Board of Elections, (SBE) acting in its capacity as the State Officers Electoral Board (the "Board"), a duly constituted electoral board under Section 10-9 of the *Election Code*, hereby adopts the following rules of procedure:

1. EXPEDITED PROCEEDINGS

On all hearing dates set by the Board or its designated hearing examiner, (other than the Initial Hearing of the Board) the objector and the candidate (at times individually referred to as "party" or collectively referred to as the "parties") shall be prepared to proceed with the hearing of their case. Due to statutory time constraints, the Board must proceed as expeditiously as possible to resolve the objection. Therefore, there will be no continuances or resetting of the initial hearing or future hearings except for good cause shown. The parties shall make themselves reasonably available by telephone (including cellular phone) during the day and at least until 7:00 P.M (or as otherwise directed by the hearing examiner) for receipt of notice from the Board, from the hearing examiner, or from opposing parties during the course of these proceedings. If the Board or hearing examiner has made reasonable attempts to contact a party by telephone, cellular phone, fax or by e-mail at the number(s) or address(s) provided by that party and the party cannot be contacted or fails to respond to such contacts, the party will be deemed to have received constructive notice of the proceedings and the proceedings may go forward without the presence of that party. If a party has received actual or constructive notice of a hearing and fails to appear, the failure to appear shall constitute acquiescence by such party as to any action taken at that hearing or any agreement made by and between the parties present at the hearing.

2. CASE MANAGEMENT CONFERENCE (Initial Hearing)

The Board or its designated hearing examiner may conduct a case management conference for the purpose of considering procedural issues such as scheduling, attendance of witnesses, filing of briefs and motions, discovery matters and any other proceedings intended to aid in the expeditious resolution of the objection. No evidence will be accepted and no argument will be considered at this Conference. The Conference will take place immediately following the initial hearing before the State Officers Electoral Board or at a date/time designated by the hearing examiner. Additional case management conferences may be called by the Board, the General Counsel or the designated hearing examiner when necessary. If an objector fails to appear at the initial hearing after having been given due notice, the Board may dismiss the objection for want of prosecution. If the candidate fails to appear at the initial hearing, he/she will be bound by any decisions made by the Board, or the designated hearing examiner.

3. APPEARANCE

The candidate or objector may appear in person on his or her own behalf and participate in any proceeding before the Board or its designated hearing examiner or may appear by an attorney licensed to practice law in the State of Illinois. Non-attorneys other than a party appearing pro se shall not appear or participate (including the offering of any argument or advocating a position to the Board, counsel to the Board or the Board's designated hearing examiner) in the Board's hearings on behalf of either the candidate or the objector, except that non-attorneys may participate as observers or coordinators at any records examination on behalf of any party. Out of state attorneys may appear subject to Part 125.60(b) of the Rules and Regulations of the State Board of Elections. A party must file with the Board or its designated hearing examiner and other parties of the case a written appearance stating his or her name, address, telephone or cellular phone number, and, if available, a fax number and e-mail address as well as the name and contact information of his or her attorney, where appropriate.

Though every effort will be made by the Board or its designated hearing examiner to keep parties informed of upcoming events, parties shall be responsible for periodically checking the Board's website, with the Board's staff or the Board's hearing examiner to keep apprised of scheduled events in the case. The failure of a party to receive actual notice of an event posted on the Board's website regarding the case shall not prevent such event from proceeding as scheduled nor shall it invalidate any action taken at such event.

4. AUTHORITY OF THE BOARD AND HEARING OFFICER

The Board itself or through its designated hearing examiner if applicable; (See Part 5 below) shall conduct all hearings and take all necessary action to avoid delay, to maintain order, to ensure compliance with all notice requirements, and to ensure the development of a clear and complete record. At the discretion of the Board or the hearing examiner, hearings may be conducted in two or more locations connected by telephonic or video conference; however, any witness who is going to provide verbal testimony must appear at the same location as the requesting party or its counsel (unless otherwise agreed by such requesting party or their counsel, and the hearing examiner or Board). The Board or its designated hearing examiner shall have all powers necessary to conduct a fair and impartial hearing including, but not limited to:

- (a) Administer oaths and affirmations;
- (b) Regulate the course of hearings, set the time and place for continued hearings, fix times for filing of documents, provide for the taking of testimony by deposition if necessary, and in general conduct the proceedings according to recognized principles of administrative law and the provisions of these Rules;
- (c) Examine witnesses and direct witnesses to testify, limit the number of times any witness may testify, limit repetitious or cumulative testimony, and set reasonable limits on the amount of time each witness may testify;
- (d) Rule upon offers of proof and receive relevant evidence;

- (e) Direct parties to appear and confer for the stipulation of facts or simplification of issues, and otherwise conduct case management conferences;
- (f) Dispose of procedural requests or similar matters;
- (g) Issue subpoenas and rule upon objections to subpoenas (subject to the provisions of paragraph 8 below) and discovery requests;
- (h) Consider and rule upon all motions presented in the course of the proceedings except that a Motion to Strike or Dismiss an Objection or a Motion for Summary Judgment or its administrative equivalent can only be ruled upon by the Board. Unless otherwise directed by the Board or hearing examiner, the hearing of the objection will proceed despite the filing of the above Motions;
- (i) Consider such competent and relevant evidence as may be submitted, including, but not limited to, documentary evidence, affidavits and oral testimony; and
- (j) Enter any order that further carries out the purpose of these Rules.

The grant of authority listed above to the designated hearing examiner by these Rules shall not be construed to limit the authority of the Board to enter any contravening order.

The Board may on its own motion, strike any objection if it determines that the objection does not meet the requirements set forth in 10 ILCS 5/10-8. Objections to individual signers and/or circulators must consist of a specific objection or objections to that particular signer or circulator. In addition, the Board on its own motion may strike any portion of an objection that it determines to be not well grounded in fact and/or law.

5. HEARING EXAMINERS

In view of the time limitations and the amount of evidence to be presented, the Board may appoint a hearing examiner in any case which the Board deems such an appointment necessary or expedient. Any hearing examiner so appointed shall have the duties and powers of the Board as set forth in these rules, except that a hearing examiner shall not have the power to rule upon any motion which would be dispositive of the objection or issue a final decision. In addition, any hearing examiner appointed by the Board is authorized and directed (a) to hold a full hearing and receive all evidence and argument, (b) to prepare a record of the hearing including a full transcript of court reporter stenographic notes of the proceedings (where the presence of a court reporter was determined necessary by the hearing examiner), (c) to prepare an outline of all the evidence, issues and argument (Such outline may be incorporated into the written recommendation.) and (d) to prepare recommendations, and proposal for decision for submission to the Board, the General Counsel and the parties. In cases where a hearing examiner is appointed, the Board shall not issue a final decision until a proposal for decision submitted by the hearing examiner is served upon the parties and an opportunity is afforded each party to take written exceptions, and if the Board so permits, oral argument before the Board. The Board will make a final ruling on the objection and may consider the following as part of its consideration and appraisal

of the record: the petition and the objection thereto, the hearing transcript, the hearing examiner's outline, recommendations and proposal for decision, and any exceptions, briefs, exhibits, offers of proof or arguments presented by the parties.

6. SERVICE OF DOCUMENTS

All briefs, notices, documents, pleadings, answers and correspondence shall be served upon the opposing parties, or their attorneys if represented by counsel, and filed with the General Counsel and the hearing examiner where appropriate. All briefs, notices, documents, pleadings, answers and correspondence may be sent by telefax or e-mail attachment if the other receiving party or his or her representative agrees. In those instances where a telefax or an unsigned e-mail communication is used, a hard copy shall also be sent by regular mail. The failure to send or receive a hard copy shall not negate or render invalid the contents of the original communication. The date the telefax or e-mail attachment is sent shall be deemed the date notice is given.

7. MOTIONS PRACTICE

All Motions Generally

- (a) If a hearing examiner has been appointed, motions shall be addressed to the hearing examiner, with copies provided to the General Counsel's office in Springfield. The hearing examiner will decide motions in due course and will recommend a decision on dispositive motions to the Board. If a hearing examiner has not been appointed, motions will be filed with the General Counsel and will be decided by the Board.
- (b) The Board will decide all motions in cases in which no hearing examiner has been appointed. In accordance with the Open Meetings Act, the Board may meet by video conference call to rule on motions. Motions addressed to the Board shall be thoroughly briefed so as to minimize the time needed for oral argument. Such argument shall be permitted at the Board's discretion.
- (c) Motions for continuance or requests for extension of time are discouraged and will be granted only in extreme circumstances.

Dispositive Motions

- (d) The Board will decide all dispositive motions upon receipt of the recommendation of a hearing examiner and/or the General Counsel.
- (e) Preliminary motions not already ruled upon including motions for summary judgment (or similar motions) and objections to an objector's petition in the nature of a motion to dismiss or strike the objections will be heard prior to the case on the merits if so directed by the Chairman. The Board may, in its discretion, reserve rulings on preliminary motions and objections pending further hearing thereon.

- (f) The Board may, upon its own motion with notice to the parties, dismiss for failure to prosecute an objection in any case where the objector fails to attend the initial meeting of the Board at which the objection is called or repeatedly fails to attend proceedings ordered by the Board or its designated hearing examiner.

8. SUBPOENAS

Any party desiring the issuance of a subpoena shall submit a request to the hearing examiner. Such request for subpoena may seek the attendance of witnesses at a deposition or hearing and/or subpoenas *duces tecum* requiring the production of such books, papers, records and documents as may relate to any matter under inquiry before the Board. The request must be filed no later than 5PM on **Friday, July 11th** and shall include a copy of the subpoena itself and a detailed basis upon which the request is based. A copy of the request shall be given to the opposing party at the same time it is submitted to the hearing examiner. The hearing examiner shall submit the same to the Board (via General Counsel) no later than 4PM on **Tuesday, July 15th**. The Board shall meet on **Monday, July 21st** to consider the same, and such request shall only be granted upon a minimum five vote majority of the Board. The opposing party may submit a response to the request; however any such response shall be given to the hearing examiner no later than 5PM on **Thursday July 17th**, who shall then transmit it to the Board with the subpoena request. In addition, both parties shall be provided an opportunity to appear before the Board and at the Board's discretion may give oral argument. The Board may limit or modify the subpoena based on the arguments of the parties or on their own initiative. Any subpoena request received subsequent to 5PM on **July 11th** shall only be considered upon approval of the Board and only if the requesting party demonstrates to the satisfaction of the Board, that the need for the subpoena was not known on or before the **July 11th** deadline. If approved by the Board, the party requesting the subpoena shall be responsible for proper service thereof.

In case any person so served shall neglect or refuse to obey a subpoena, or refuse to testify in a hearing before the Board or Hearing Examiner, the Board may, at the request of any party, file a petition in the Circuit Court setting forth the facts of such knowing refusal or neglect. The petition shall be accompanied by a copy of the subpoena, the return of service thereon and the sworn statement of the person before whom the witness was to appear that the witness did not so appear. The party requesting the subpoena is responsible for providing return of service and the sworn statement referred to above. The petition shall apply for an order of the Court requiring such person to comply with the duly issued subpoena.

9. RECORDS EXAMINATION

At the direction of the Board or the designated hearing examiner, the parties may be directed to appear at a "records examination." Notice of same shall be provided by the Board or the hearing examiner. At the records examination, staff assigned by the Board shall, in an orderly and expeditious manner, search for and examine the State Board of Elections' computerized registration records for comparison to the names on the petition that have been objected to.

The Board or a hearing examiner may, in their discretion, order that a partial or sample records examination be conducted in order to test the validity of certain objections in the objector's petition when it appears possible, viewing the face of the objections or upon other known facts, that the

objections may not have been made as a result of a reasonable inquiry or investigation of the facts or were not made in good faith. In the alternative, the Board or hearing examiner may order, on its own motion or upon motion of the candidate, that the objector show cause as to why the objection should not be stricken as having not been well grounded in fact or in law. Failure to show such cause shall be grounds to strike the objection.

The Board's staff shall, based upon their examination of the relevant registration records, make and announce a finding as to whether certain objections in the objector's petition are sustained or overruled. Such computerized voter registration records of the State Board of Elections and the staff findings as to whether the objections are sustained or overruled may be considered as evidence with respect to the objections described above.

Each party shall have the right to have designated and duly authorized representatives ("watchers"), including the party or the party's counsel, present during the records examination. No more than one watcher for each party may be assigned to any given computer terminal at which a records examination is being conducted. The failure of a watcher to timely appear at the examination shall not delay nor affect the validity of the examination and the records examination shall proceed.

Watchers are to participate as observers only. The Board's staff shall not be required to solicit the opinion of any watcher as to any matter nor consider such opinions if offered. Arguing with Board staff or other abusive conduct will not be tolerated. By order of the General Counsel or his designee, a watcher may be ordered removed from the records examination proceedings for the conduct specified above and any other conduct that disrupts the orderly conduct of the proceedings and if necessary, this provision will be enforced by appropriate law enforcement. In the event of such removal, the Board may continue with the records examination in the absence of the removed watcher. A party may replace a removed watcher with another watcher; however the records examination will not be delayed by the absence of a replacement watcher. Photography of any kind, including video recording, is prohibited in the records examination room.

Staff shall note their findings as to each objection on copies of the objected to petition sheets, indicating a sustained objection with the letter "s" and an overruled objection with the letter "o". Following the records examination, copies of the sheets containing the staff rulings shall be proofread for accuracy by Board staff and the rulings thereon shall be used to create a line by line computer generated printout of the results of the records examination. The said printout shall then be sent via e-mail or facsimile to the parties or their counsel. The printout shall be sent at the same date and time and such date and time shall serve as the commencement of the three (3) business day time period (aka, the Rule 9 Motion Period) described below. Copies (via electronic medium or hard copy) of the recapitulation sheets containing staff rulings will not be made available to the respective parties until noon on the next business day **at the earliest**.

The parties will be given an opportunity to present all objections to staff findings properly made at the records examination or prior thereto in the nature of a standing objection, to the Board or the hearing examiner at the evidentiary hearing on the merits of the objection scheduled by the Board or the hearing examiner (the Rule 9 Motion Hearing). The party making the objection bears the burden of producing evidence proving that the staff finding was in error. Such evidence offered to refute the staff finding must be submitted to the Board or the hearing examiner no later than 5PM on the third business

day following the date of the sending of the printout described in the immediately preceding paragraph unless extended by the Board, and only for good cause shown. Evidence in the form of an affidavit must be sworn to, signed, and notarized before a notary public or other officer authorized to administer oaths in the State of Illinois. Verifications under Section 1-109 of the Code of Civil Procedure (735 ILCS 5/1-109) are not acceptable. If any extension is given to the candidate or objector to rehabilitate or strike any signature then the opposing party's time period to provide other evidence to rebut that submission shall be equally extended.

Section 1A-25 prohibits viewers from printing any records viewed at the records examination and there is no provision requiring the Board to print any such records for the benefit of any party. Therefore, at no time will the Board entertain any requests for printouts of records that were examined during the records examination conducted by the Board except as otherwise ordered by the Board. Lists of registered voters are available for purchase by political committees registered with the Board, pursuant to Article 4, 5 and 6 of the Election Code. Note: Such records do not contain the signatures of the voters. In addition, records of individual voters can be obtained through the office of the election authority in whose jurisdiction the voter is registered. Check with the appropriate election authority as to obtaining such records, and the content of same.

If at any time during the records examination it appears that (i) the number of valid signatures remaining on the petition is fewer than the number of valid signatures required by law or (ii) the number of valid signatures on the petition will exceed the number of valid signatures required by law even if all of the remaining objections to be decided were sustained, the Board or the hearing examiner may suspend the records examination and the results of the records examination shall be forwarded to the Board or the hearing examiner, as the case may be. If this is so ordered, the party adversely affected by the order will be afforded an opportunity to present evidence that there exists a sufficient amount of valid or invalid signatures as the case may be, to warrant resumption of the examination. Such evidence must be submitted no later than 5PM on the second business day following the order of suspension. The records examination may then be resumed or terminated at the discretion of the Board or the hearing examiner.

(For a detailed description of specific objections and the policies applied to each, please refer to the attached Appendix A.)

10. EVIDENCE

Evidence submitted by either party will be heard by the Board or the designated hearing examiner, including, but not limited to, documentary evidence, depositions, affidavits, and oral testimony. Documentary evidence shall be presented at a hearing, however service of such documentary evidence may be made by facsimile or e-mail. Any affidavits submitted must be original, and any voter registration records must be certified by the election authority that issued them.

Due to the fact that the Board must hear and pass upon objections within a limited time, extended examination and cross examination of witnesses will be subject to the discretion of the Board or its designated hearing examiner, and the Board/hearing examiner will not be bound by the rules of evidence which prevail in the circuit courts of Illinois. Where the Board is hearing the objection itself, the Chairman shall make all necessary evidentiary rulings, subject to appeal to the entire Board. Where

a hearing examiner has been appointed, he or she will receive all evidence and make all evidentiary rulings, subject to review by the entire Board. The Board will not retry issues heard by a hearing examiner unless the hearing examiner has excluded evidence the Board believes should have been admitted. In such cases the Board will hear the excluded evidence and such other evidence as may be appropriate in response to the matter excluded. The Board will not hear evidence that could have been but was not presented to the hearing examiner, nor will the Board or hearing examiner consider objections that could have been, but were not raised in the original written objection.

11. ARGUMENT

All arguments and evidence must be confined to the points raised by the objector's petition and objections, if any, to the objector's petition. The Board reserves the right to limit oral arguments in any particular case and will ordinarily allow not more than ten minutes per side for argument.

With regard to the substance of the objections, generally the objector must bear the burden of proving by operation of law and by a preponderance of the relevant and admissible evidence ("the burden of proof") that the objections are true and that the petition is invalid.

12. ORDER

If the objections are sustained in whole or in part, the Board will issue an Order declaring the remedy up to and including invalidation of the Petition. The Board will state its findings in writing noting the objections which have been sustained. If the objection is overruled, the Board will issue the appropriate Order; stating its findings in writing.

13. GENERAL PROCEDURES

For the matters not covered herein, the Board will generally follow the provisions of the Code of Civil Procedure of Illinois and the rules of the Illinois Supreme Court regulating discovery and practice in trial courts, provided however that the Board will not be strictly bound by the Code or rules in all particulars.

14. SESSIONS

After the Board convenes the initial hearing, it will be in continuous session until all objections arising out of that filing period have been considered and disposed of, and, in the discretion of the Board, its session may be extended or recessed for a period to be determined by the Board.

15. TRANSCRIPT AND RECORD OF PROCEEDINGS

A transcript of the proceedings will be made by a certified court reporter. Copies may be purchased from the reporter and will not be furnished by the Board. If a party aggrieved by the decision of the Board timely files and serves upon the Board a proper petition for judicial review pursuant to Section

10-10.1 of the Election Code, the Board shall, upon the written request of the petitioner or upon order of the Circuit Court, prepare and file with the Circuit Court the record of proceedings before the Board. The petitioner or the Court shall designate which portions of the record of proceedings are to be prepared and filed. The respondent or respondents in the judicial review proceedings may designate in writing additional portions of the record of proceedings to be prepared and filed if not included in the petitioner's designation of the record. The parties to a judicial review proceeding are encouraged to limit the record of proceedings to be filed with the Court to only those records material and relevant to the issues on judicial review so that the preparation and filing of unnecessary records is avoided.

ADOPTED THIS 7th day of July, 2014

_____)	CONSTITUTING THE
_____)	STATE BOARD OF
_____)	ELECTIONS
_____)	SITTING AS THE
_____)	DULY AUTHORIZED
_____)	STATE OFFICERS
_____)	ELECTORAL
_____)	BOARD

APPENDIX A.

Listed below are the most common grounds for objections to petitions and the basis on which the Board will render decisions on objections unless evidence or argument presented at hearing persuade the Board that circumstances require a differing decision.

When the records examination is being conducted, any exceptions to the decision of the examiner must be made to the ruling at the time the ruling is made or the exception to the ruling is waived. Any party may, at the beginning of the records examination issue a general objection to any adverse decision of the records examiner obviating the need for individual objections. If, subsequent to the general objection, a party decides not to take exception to a particular ruling of the records examiner, the party must withdraw the objection as to that particular ruling.

Pattern of Fraud

If the Board determines that a pattern of fraud exists based on an inordinate number of invalid petition signers and/or petition circulators accompanied by evidence of fraudulent conduct, such that the integrity of the entire petition or the petition sheets of individual circulators is sufficiently compromised, the Board may strike the entire petition (or individual petition sheets) on this basis. In order to be considered by the Board or the hearing examiner, an allegation of a pattern of fraud must be initially pled by the objector and such pleading must be a part of the initial written objection filed by the objector. In the absence of such initial pleading by the objector, consideration of whether any pattern of fraud exists shall rest solely in the Board's discretion. To make a valid claim of a pattern of fraud, an objector must allege specific instances of fraudulent conduct in the signature gathering and related processes. A general claim of a pattern of fraud without specific examples is insufficient to establish such a claim. In addition, the sheer number of invalid signatures on a petition, or on sheets circulated by a specific circulator, without an accompanying allegation of specific fraudulent conduct, shall not by itself establish a pattern of fraud.

I. Objections to Individual Signers

A. Signer's Signature Not Genuine

The voter's original signature on his or her registration record shall be examined. If, in the opinion of the records examiner the signature is not genuine, the objection shall be sustained. There is no requirement that a signature be in cursive rather than printed form. Any objection solely on the ground that the signature is printed and not in cursive form or where the basis for the non-genuineness is the fact that the signature is printed, will be denied as failing to state grounds for an objection. Staff must still perform the above mentioned examination in situations where the signature is printed to determine whether there is a reasonable match.

B. Signer Not Registered at Address Shown

The voter's registration information shall be examined. If the address on the voter's registration record does not match the address opposite his or her name on the petition, the objection shall be sustained. **NOTE:** If the candidate can present evidence that the voter resided and was registered to vote at the address shown on the petition at any

time during the petition circulation period, the objection shall be overruled pending evidence from the objector that the voter did not reside at such address on the date he/she signed the petition. This issue will typically be decided at the Rule 9 signature rehabilitation/challenge hearing.

C. Signer Resides Outside the State or District

Any objection to a petition signer whose address is determined by the records examiner to not in fact be located in Illinois or within the applicable district, it shall be sustained.

D. Signer's Address Missing or Incomplete

In general, if there is enough information in the address for the SBE staff to locate the voter whose name and address is on the petition, this objection will be overruled. If there is no address listed other than a city or village, the objection should be sustained unless in the city, town or village, street addresses either do not exist or are not commonly used. However, if the address line is blank, but the signers surname is the same as the person signing above where an address is listed, indicating that such signer resides at the same address, any objections to missing address shall be overruled. Objections to missing counties or to abbreviated municipalities (eg: FP – Forest Park, OP – Oak Park, etc.) or to streets lacking a direction indicator (eg: North State, S. Main) shall be overruled if in fact the voter resides in that municipality or at the numerical address on that street. In addition, objections to ditto marks in the address column, where such marks indicate that a subsequent signer or signers live at the same address as the signer above, shall be overruled. Where the petition and the registration card both show the same rural route and box number, but no street address, the objection will be overruled. If the petition shows a street and house number and the registration card shows a rural route and box number the objection will be sustained. If however, the voter's place of residence has in fact not changed, but only the designation of it has changed, it is the burden of the candidate to show that only the designation of the residence has changed. (This issue should be presented to the Hearing Examiner at the Rule 9 signature rehabilitation/challenge hearing.) If the address listed next to the voter's signature matches the registration record in pertinent part (eg. the petition lists "John Doe, 1020 South Spring, Springfield" and the registration record lists "John Doe, 1020 South Spring, P.O. Box 4187, Springfield), the objection will be overruled.

E. Signature is Not Legible

If the records examiner determines that a signature is not legible, the examiner shall check the address opposite the illegible signature. If none of the signatures of voters listed at that address match, the objection will be sustained. The basis of the objection however, must be that the petition signer is not registered at the address shown on the petition. If the basis of the objection is that the signature is not genuine, the objection will be overruled for the reason that it is impossible to determine genuineness of the signature without a comparison to the signature on the voter registration record. If the address is also illegible, and the candidate cannot sufficiently, in a reasonably short amount of time, identify the signatory so as to permit the records examiner to check the signature against a specific voter record, then the objection will be sustained. If the illegible signature is located at a single address at which ten or more voters are

registered, the examiner shall not be required to examine every signature at that address to find a match, but may instead rule the objection sustained. In the event that the objection is sustained, the candidate at a later time (but in no event later than the expiration of the 3 business day time period set forth in Section 9 above) will be given an opportunity to present a copy of the signer's voter registration record for a signature comparison. If in the opinion of the records examiner or the Hearing Examiner the signature is genuine and the address on the voter registration record matches that contained on the petition, the objection will be overruled.

F. Signer Signed Petition More Than Once at Sheet/Line Indicated

If the signatures on the sheet and line numbers indicated match, the objection shall be sustained and all but the signature appearing on or closest to the first petition sheet shall be invalidated. If the page and line number of the alleged duplicate signature is not listed in the objection, the objection shall be overruled.

G. Signature Incorporates Initials/Name isn't Identical to Registration Record

If, for example, the registration record indicates "John E. Jones", 1020 South Spring, Spfld., and the petition lists "J. Jones" at 1020 South Spring, Spfld, the objection will be overruled if the signature on the card and the petition match. An objection that is based solely on the fact that a petition signature differs in form from the signature on the voter's registration card will be denied as failing to state grounds for an objection.

H. Voter Registration Record of Petition Signer Cannot be Located

The disposition of the objection depends on the grounds. If the objector is alleging that the person is not registered to vote at the address shown on the petition, the objection will be sustained. If the objection is based on the circumstances set forth in **A, D, E,** or **G** above, where the only evidence to substantiate the objection is contained on the voter registration card, the objection will be overruled.

I. Petition Signer's Voter Registration is on Inactive Status

The objection shall be overruled. At the Rule 9 signature rehabilitation/challenge hearing, the Objector may introduce evidence that the voter in question no longer resides at the address shown on the petition.

II. Objections to Petition Circulators

The following information is intended as guidance to the Board and its duly appointed hearing officers in considering objections to a circulator's qualifications, the sufficiency of the circulator's affidavit and the method of circulation. It is not intended to establish legal standards for the following enumerated objections nor is it intended as a substitute for statutory or case law to the contrary.

A. Circulator did not Sign Petition Sheet

If the circulator's statement is unsigned, the objection should be sustained, and all the signatures on the petition sheet invalidated.

B. Ineligible Circulator

The fact that a circulator is not 18 years of age, or a United States Citizen or a resident at the place he or she states in the affidavit may be proved by any competent evidence. If the circulator is a registered voter in any state, a certified copy of his or her registration document is competent evidence of age, citizenry and residence. Ineligible circulators may not circulate petitions and a petition page so circulated may be invalid. In addition, if it is shown that an ineligible circulator signed the circulator affidavit, this may constitute perjury and such evidence may be referred by the Board to the appropriate prosecutor's office. The use of more than one ineligible circulator may constitute a pattern of fraud, providing a basis for disqualifying the entire petition.

C. Circulator's Signature Not Genuine

If the circulator is a registered voter in Illinois, his or her original signature on his or her registration card shall be examined by the hearing examiner. NOTE: It is not a requirement that a petition circulator be a registered voter. If, in the opinion of the hearing examiner the signature is not genuine, the objection should be sustained. The validity of a circulator's signature may be proved by any competent evidence. Collateral evidence of the validity of the signature of the circulator is admissible, such as testimony of a person purporting to observe one person signing the name of another circulator. There is no requirement that a signature be in cursive rather than printed form, and an objection solely on the ground that the signature is printed and not in cursive form, or where the basis for the non-genuineness is the fact that the signature is printed, will be denied as failing to state grounds for an objection.

D. Circulator's Address is Incomplete

The circulator's address must be sufficiently complete so as to easily locate the circulator at the listed address in the event the circulator's qualifications or the method of circulation is challenged.

E. Purported Circulator Did Not Circulate Sheet

Upon proof by the objector that the individual who signed as circulator did not circulate the petition sheet or personally witness the signing of the signatures on the petition sheet, the entire sheet may be invalidated. See also II (C) above.

F. Sheet Not Notarized

If the petition sheet is not notarized, the entire sheet may be invalidated. Simply missing a notary seal does not necessarily invalidate the sheet, unless the objector establishes that the sheet was not notarized by a qualified notary public.

G. Purported Notary Did Not Notarize Sheet

If the petition sheet is not in fact notarized by the notary who purports to notarize it, the entire sheet may be invalidated. See also II(C) above.

APPENDIX B.

Schedule of Brief and Motion Filing

Candidate's Motion to Strike and/or Dismiss or other similar motion (MTSD)

Objector's Motion for Summary Judgment or other similar motion (MSJ)

Must be filed no later than 5 pm on the third business day following the date of the initial Meeting of the Board, unless extended by the Board or hearing examiner.

Objector's Response to Candidate's MTSD

Candidate's Response to Objector's MSJ

Must be filed no later than 5 pm on the third business day following the due date of the Candidate's MTSD or Objector's MSJ unless extended by the Board or hearing examiner.

Candidate's Reply to Objector's Response to Candidate's MTSD

Objector's Reply to Candidate's Response to Objector's MSJ

Must be filed no later than 5 pm on the second business day following the due date of the Objector's Response to the Candidate's MTSD or the Candidate's Response to the Objector's MSJ unless extended by the Board or hearing examiner.

Any memorandum of law in support of any of the above pleadings shall accompany such pleading. Briefs on any issue or issues shall be filed as directed by the Board or the hearing examiner.

STATE BOARD OF ELECTIONS
STATE OF ILLINOIS

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EXECUTIVE DIRECTOR
Rupert T. Borgsmiller
MEMORANDUM

BOARD MEMBERS
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Casandra B. Watson

TO: Chairman Jesse R. Smart, Vice Chairman Charles W. Scholz, Members of the Board
Executive Director Rupert T. Borgsmiller

From: Steve Sandvoss, General Counsel

Re: Appointment of Hearing Officers

Date: July 1, 2014

I have selected the following persons to serve as hearing officers for the several objections filed with the State Board of Elections following the filing period for new political party and independent candidates seeking placement on the November 4, 2014 General Election ballot, and propose the following cases be assigned to them for hearing.

Philip Krasny

14 SOEB GE 506 Sherman v. Hawkins and Kusch
14 SOEB GE 511 Atsaves and Gale v. Hawkins and Kusch
14 SOEB GE 516 Yarbrough v. Lopez, et al. (Green Party)

James Tenuto

14 SOEB GE 507 Sherman v. Davis
14 SOEB GE 508 Sherman v. Moore and Bourland
14 SOEB GE 509 Mathews and Walker v. Parker
14 SOEB GE 512 Atsaves and Gale v. Davis
14 SOEB GE 513 Atsaves and Gale v. Moore and Bourland
14 SOEB GE 517 Allen v. Samuels

Kelly McCloskey Cherf

14 SOEB GE 515 Atsaves and Gale v. Grimm, et al. (Libertarian Party)

David Herman

14 SOEB GE 510 Carruthers v. Dill
14 SOEB GE 518 Compton v. Shepherd
14 SOEB GE 520 Pavelonis v. Tripp

Barbara Goodman

14 SOEB GE 514 Atsaves and Gale v. Oberline, et al. (Constitution Party)

14 SOEB GE 519 Flores v. Ward

I would request of the Board authorization to appoint the above persons to serve as hearing officers and for the above cases to be assigned to them for hearing.

Sincerely



Steven S. Sandvoss, General Counsel

Farrar & Peters, III v. Chaplin
14 SOEB GE 500

Candidate: Elizabeth “Liz” Chaplin

Office: State Representative, 81st District

Party: Democratic

Objectors: Scott Farrar and Donald Peters, III

Attorney For Objector: John Fogarty

Attorney For Candidate: Michael Kasper

Number of Signatures Required: 500

Number of Signatures Submitted: 699

Number of Signatures Objected to: 178

Basis of Objection: 1. The Nomination papers contain an insufficient number of valid signatures. Various objections were made against the petition signers including “Signer’s Signature Not Genuine,” “Signer Not Registered at Address Shown,” “Signer Resides Outside of the District,” “Signer Signed Petition More than Once,” and “Signer Voted a Republican Primary Ballot.” 2. Several petition sheets contain a circulator’s affidavit in which the circulator purports to have collected signatures before the Candidate was properly designated. 3. Two of the petition sheets contain a circulator’s affidavit in which the circulator purports to have collected signatures after the date said petition was been notarized.

Dispositive Motions: Candidate filed a Motion to Strike and Dismiss, and the Objector filed a Response.

Binder Check Necessary: Yes

Hearing Officer: Kelly McCloskey Churf

Hearing Officer Findings and Recommendation: A records examination commenced and was completed on June 25, 2014. The examiners ruled on objections to 178 signatures. 30 objections were sustained leaving 669 valid signatures, which is 169 signatures more than the required 500 minimum number of signatures. The Hearing Officer also determined that even if the allegations regarding the circulation of the petition were sustained, the Candidate would still have 557 valid signatures. On July 1st, the Objector withdrew the objection. In light of the results of the records examination and the withdrawn objection, the objection should be overruled and the Candidate should be certified to appear on the 2014 General Election ballot.

Recommendation of the General Counsel: I concur with the recommendation of the Hearing Officer.

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OBJECTIONS TO
NOMINATION PAPERS OF CANDIDATES FOR THE OFFICE OF
REPRESENTATIVE IN THE GENERAL ASSEMBLY FROM THE 81ST
REPRESENTATIVE DISTRICT OF THE STATE OF ILLINOIS

SCOTT FARRAR AND DONALD PETERS, III,)	
)	
Petitioners-Objectors,)	No. 14 SOEB GE 500
)	
v.)	
)	
ELIZABETH "LIZ" CHAPLIN,)	
)	
Respondent-Candidate.)	

HEARING OFFICER'S FINDINGS AND RECOMMENDATIONS

This matter coming before the Illinois State Board of Elections as the duly constituted State Officers Electoral Board and the undersigned Hearing Officer pursuant to Appointment and Notice issued previously, the Hearing Officer makes the following Findings and Recommendations:

The Candidate Elizabeth "Liz" Chaplin (the "Candidate") timely filed her Nomination Papers with the State Board of Elections to qualify as a Candidate of the Democratic Party for the Office of Representative in the General Assembly for the 81st Representative District of the State of Illinois to be voted for at the General Election on November 4, 2014.

On June 9, 2014, the Objectors Scott Farrar and Donald Peters III (the "Objectors"), timely filed an Objectors' Petition. In the Petition, the Objectors argue that the Candidate's Nomination Papers are invalid and/or insufficient as the petition sheets contain fewer than the requisite 500 signatures because they contain the following deficiencies: a) names and addresses of individuals who are not registered voters or not registered at address that is listed; b) names of individuals who are not registered voters in the 81st Representative District; c) signatures that are not genuine; d) names of persons who signed the petition more than once; and e) names of persons whose signatures are invalid because they voted in the primary election of the Republican Party at the March 18, 2014 primary election. The Objectors also argue that: a) petition sheets 2, 3, 25, 36, 39, 40 and 43 contain a circulator's affidavit which indicates that the signatures on those pages were collected before the Candidate was properly designated; and b) petition sheets 26 and 28 contain a circulator's affidavit which indicates that the signatures on those pages were collected after the date the said page was notarized. Attached to the Objectors' Petition is an Appendix-Recapitulation.

An initial hearing and case management conference on this matter was held on June 17, 2014. Present were John Fogarty, appearing on behalf of the Objectors and Kevin M. Morphew for Michael Kasper, appearing on behalf of the Candidate.

The Candidate timely filed a Motion to Strike and Dismiss, and the Objector timely filed a Response.

The Records Examination commenced and was completed on June 25, 2014. The Candidate needs 500 signatures to be on the ballot. The Candidate submitted 699 signatures. The examiners ruled on objections to 178 signatures. 30 objections were sustained leaving 669 signatures which is 169 signatures more than the required number of signatures. In addition, even if each of the petition pages containing the circulators' affidavits for which there were objections (namely petition pages 2, 3, 25, 26, 28, 36, 39, 40 and 43) were stricken, the Candidate would still have 557 signatures which is 57 signatures more than the required number of signatures.

Neither party filed a Rule 9 Motion. The Candidate's Motion to Strike and Dismiss is moot given the results of the Records Examination. Moreover, on July 1, 2014, the Objectors withdrew their objections.

For the foregoing reasons, I recommend that the Board: i) find that after the Records Examination, the Candidate is 169 signatures above the minimum requirement to have her name placed on the ballot; and ii) order that the name Elizabeth "Liz" Chaplin be certified for the ballot as a candidate of the Democratic Party for the Office of Representative in the General Assembly for the 81st Legislative District of the State of Illinois to be voted for at the General Election on November 4, 2014.

Dated: July 2, 2014



Kelly McCloskey Cherf
Hearing Officer

Venuri & Daniel v. Mains
14 SOEB GE 501

Candidate: Joel Mains

Office: State Representative, 64th District

Party: Democratic

Objectors: Daniel Venturi and Mark Daniel

Attorney For Objector: John Fogarty

Attorney For Candidate: Michael Kasper

Number of Signatures Required: 500

Number of Signatures Submitted: 718

Number of Signatures Objected to: 243

Basis of Objection: The Nomination papers contain an insufficient number of valid signatures. Various objections were made against the petition signers including “Signer’s Signature Not Genuine,” “Signer Not Registered at Address Shown,” “Signer Resides Outside of the District,” “Signer Signed Petition More than Once,” and “Signer Voted a Republican Primary Ballot.”

Dispositive Motions: Candidate filed a Motion to Strike and Dismiss

Binder Check Necessary: Yes

Hearing Officer: Kelly McCloskey Churf

Hearing Officer Findings and Recommendation: A records examination commenced and was completed on June 24, 2014. The examiners ruled on objections to 243 signatures. 106 objections were sustained leaving 612 valid signatures, which is 112 signatures more than the required 500 minimum number of signatures. On July 1, 2014, the Objector withdrew the objection. In light of the withdrawal and the results of the records examination, the objection should be overruled and the Candidate should be certified to appear on the 2014 General Election ballot.

Recommendation of the General Counsel: I concur with the recommendation of the Hearing Officer.

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OBJECTIONS TO
NOMINATION PAPERS OF CANDIDATES FOR THE OFFICE OF
REPRESENTATIVE IN THE GENERAL ASSEMBLY FOR THE 64th
REPRESENTATIVE DISTRICT OF THE STATE OF ILLINOIS

DANIEL VENTURI and MARK DANIEL,)	
)	
Petitioner-Objectors,)	No. 14 SOEB GE 501
)	
v.)	
)	
JOEL MAINS,)	
)	
Respondent-Candidate,)	

HEARING OFFICER’S FINDINGS AND RECOMMENDATIONS

This matter coming before the Illinois State Board of Elections as the duly constituted State Officers Electoral Board and the undersigned Hearing Officer pursuant to Appointment and Notice issued previously, the Hearing Officer makes the following Findings and Recommendations:

The Candidate Joel Mains (the “Candidate”) timely filed his Nomination Papers with the State Board of Elections to qualify as a Candidate of the Democratic Party for the Office of Representative in the General Assembly for the 64th Representative District of the State of Illinois to be voted for at the General Election on November 4, 2014.

On June 9, 2014, the Objectors Daniel Venturi and Mark Daniel (the “Objectors”), timely filed an Objectors’ Petition. In the Petition, the Objectors argue that the Candidate’s Nomination Papers are invalid and/or insufficient as the petition sheets contain fewer than the requisite 500 signatures because they contain the following deficiencies: a) names and addresses of individuals who are not registered voters or not registered at address that is listed; b) names of individuals who are not registered voters in the 64th Representative District; c) signatures that are not genuine; d) names of persons who signed the petition more than once; and e) names of persons whose signatures are invalid because they voted in the primary election of the Republican Party at the March 18, 2014 primary election. Attached to the Objectors’ Petition is an Appendix-Recapitulation.

An initial hearing and case management conference on this matter was held on June 17, 2014. Present were John Fogarty, appearing on behalf of the Objectors and Kevin M. Morphew for Michael Kasper, appearing on behalf of the Candidate.

The Candidate did not file a Motion to Strike and Dismiss.

The Records Examination commenced and was completed on June 24, 2014. The Candidate needs 500 signatures to be on the ballot. The Candidate submitted 718 signatures. The examiners ruled on objections to 243 signatures. 106 objections were sustained leaving 612 signatures which is 112 signatures more than the required number of signatures.

Neither party filed a Rule 9 Motion. The Candidate's Motion to Strike and Dismiss is moot given the results of the Records Examination. Moreover, on July 1, 2014, the Objectors withdrew their objections.

For the foregoing reasons, I recommend that the Board: i) find that after the Records Examination, the Candidate is 112 signatures above the minimum requirement to have his name placed on the ballot; and ii) order that the name Joel Means be certified for the ballot as a candidate of the Democratic Party for the Office of Representative in the General Assembly for the 64th Legislative District of the State of Illinois to be voted for at the General Election on November 4, 2014.

Dated: July 2, 2014



Kelly McCloskey Cherf
Hearing Examiner

Ramsey v. Granata
14 SOEB GE 502

Candidate: Anthony Granata

Office: State Representative, 38th

Party: Republican

Objector: Benjamin Ramsey

Attorney For Objector: Michael Kasper

Attorney For Candidate: John Fogarty

Number of Signatures Required: 500

Number of Signatures Submitted: 631

Number of Signatures Objected to: 149

Basis of Objection: 1. The Nomination papers contain an insufficient number of valid signatures. Various objections were made against the petition signers including "Signer's Signature Not Genuine," "Signer Not Registered at Address Shown," "Signer Resides Outside of the District," "Signer Signed Petition More than Once," "Address is Missing or Incomplete" and "Signer Voted Democratic Primary Ballot." 2. The Nomination papers contain a petition sheet (page 20) that bears a circulator's affidavit which is not signed by the circulator; therefore, every signature on such sheet is invalid.

Dispositive Motions: Candidate filed a Motion to Strike and Dismiss.

Binder Check Necessary: Yes

Hearing Officer: Kelly McCloskey Cherf

Hearing Officer Findings and Recommendation: A records examination commenced and was completed on June 24, 2014. The examiners ruled on objections to 149 signatures. 84 objections were sustained leaving 547 valid signatures, which is 47 signatures more than the required 500 minimum number of signatures. The objection should be overruled and the Candidate should be certified to appear on the 2014 General Election ballot.

Recommendation of the General Counsel: I concur with the recommendation of the Hearing Officer.

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OF NOMINATION OBJECTIONS TO
NOMINATION PAPERS OF CANDIDATES FOR ELECTION TO THE
OFFICE OF REPRESENTATIVE IN THE GENERAL ASSEMBLY FOR THE 38th
REPRESENTATIVE DISTRICT OF THE STATE OF ILLINOIS

BENJAMIN RAMSEY,)	
)	
Petitioner-Objector,)	No. 14 SOEB GE 502
)	
v.)	
)	
ANTHONY GRANATA,)	
)	
Respondent-Candidate.)	

HEARING OFFICER’S FINDINGS AND RECOMMENDATIONS

This matter coming before the Illinois State Board of Elections as the duly constituted State Officers Electoral Board and the undersigned Hearing Officer pursuant to Appointment and Notice issued previously, the Hearing Officer makes the following Findings and Recommendations:

The Candidate Anthony Granata (the “Candidate”) timely filed his Nomination Papers with the State Board of Elections to qualify as a Candidate of the Republican Party for the Office of Representative in the General Assembly for the 38th Representative District of the State of Illinois to be voted for at the General Election on November 4, 2014.

On June 14, 2014, the Objector Benjamin Ramsey (the “Objector”), timely filed an Objector’s Petition. In the Petition, the Objector argues that the Candidate’s Nomination Papers are invalid and/or insufficient as the petition sheets contain fewer than the requisite 500 signatures because they contain the following deficiencies: a) names and addresses of individuals who are not registered voters or not registered at address that is listed; b) signatures that are not genuine; c) names of individuals who are not registered voters in the 38th Legislative District; d) names of persons for whom the addresses are missing or incomplete; e) names of persons who signed the petition more than once; and f) names of persons whose signatures are invalid because they voted in the primary election of another political party at the March 18, 2014 primary election. Attached to the Objector’s Petition is an Appendix-Recapitulation.

An initial hearing and case management conference on this matter was held on June 17, 2014. Present were Kevin M. Morphew for Michael Kasper, appearing on behalf of the Objector and John Fogarty and Edward Ronkowski, appearing on behalf of the Candidate.

The Candidate timely filed a Motion to Strike and Dismiss. Objector did not file a Response.

The Records Examination commenced and was completed on June 24, 2014. The Candidate needs 500 signatures to be on the ballot. The Candidate submitted 631 signatures. The examiners ruled on objections to 149 signatures. 84 objections were sustained leaving 547 signatures which is 47 signatures more than the required number of signatures.

Neither party filed a Rule 9 Motion. On June 30, 2014, Objector's counsel advised the hearing officer that the objections were moot in that the Candidate would still have a sufficient number of signatures to qualify for the ballot even if all the allegations in the Objector's Petition were sustained. The Motion to Strike also is moot.

For the foregoing reasons, I recommend that the Board: i) overrule the Objector's Petition; ii) find that after the Records Examination, the Candidate is 47 signatures above the minimum requirement to have his name placed on the ballot; and ii) order that the name Anthony Granata be certified for the ballot as a candidate of the Republican Party for the Office of Representative in the General Assembly for the 38th Legislative District of the State of Illinois to be voted for at the General Election on November 4, 2014.

Dated: July 2, 2014



Kelly McCloskey Cherf
Hearing Examiner

Russell v. Rodriguez
14 SOEB GE 504

Candidate: Brian J. Russell

Office: State Senate, 42nd District

Party: Republican

Objector: Cristina Rodriguez

Attorney For Objector: Michael Kasper

Attorney For Candidate: Burt Odelson

Number of Signatures Required: 1000

Number of Signatures Submitted: 1363

Number of Signatures Objected to: 809

Basis of Objection: The Nomination papers contain an insufficient number of valid signatures. Various objections were made against the petition signers including "Signer's Signature Not Genuine," "Signer Not Registered at Address Shown," "Signer Resides Outside of the District," "Signer Signed Petition More than Once," "Address is Missing or Incomplete" and "Signer Voted Democratic Primary Ballot."

Dispositive Motions:

Binder Check Necessary: Yes

Hearing Officer: Kelly McCloskey Cherf

Hearing Officer Findings and Recommendation: A records examination commenced and was completed on June 24, 2014. The examiners ruled on objections to 809 signatures. 427 objections were sustained leaving 936 valid signatures, which is 64 signatures less than the required 1000 minimum number of signatures. The objection should be sustained and the Candidate should not be certified for the 2014 General Election ballot.

Recommendation of the General Counsel: I concur with the recommendation of the Hearing Officer.

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD
FOR THE HEARING AND PASSING UPON OF NOMINATION OBJECTIONS TO
NOMINATION PAPERS OF CANDIDATES FOR ELECTION TO THE
OFFICE OF STATE SENATOR FOR THE
42ND LEGISLATIVE DISTRICT OF THE STATE OF ILLINOIS

CRISTINA RODRIGUEZ,)	
)	
Petitioner-Objector,)	No. 14 SOEB GE 504
)	
v.)	
)	
BRIAN J. RUSSELL,)	
)	
Respondent-Candidate.)	

HEARING OFFICER’S FINDINGS AND RECOMMENDATIONS

This matter coming before the Illinois State Board of Elections as the duly constituted State Officers Electoral Board and the undersigned Hearing Officer pursuant to Appointment and Notice issued previously, the Hearing Officer makes the following Findings and Recommendations:

The Candidate Brian J. Russell (the “Candidate”) timely filed his Nomination Papers with the State Board of Elections to qualify as a Candidate for the office of State Senator for the 42nd Legislative District of the State of Illinois to be voted for at the General Election on November 4, 2014.

On June 9, 2014, the Objector Cristina Rodriquez (the “Objector”), timely filed an Objector’s Petition. In the Petition, the Objector argues that the Candidate’s Nomination Papers are invalid and/or insufficient as the petition sheets contain fewer than the requisite 1000 signatures because they contain the following deficiencies: a) names and addresses of individuals who are not registered voters or not registered at address that is listed; b) signatures that are not genuine; c) names of individuals who are not registered voters in the 42nd Legislative District; d) names of persons for whom the addresses are missing or incomplete; e) names of persons who signed the petition more than once; and f) names of persons whose signatures are invalid because they voted in the primary election of another political party at the March 18, 2014 primary election. Attached to the Objector’s Petition is an Appendix-Recapitulation.

An initial hearing and case management conference on this matter was held on June 17, 2014. Present were Kevin M. Morphew for Michael Kasper, appearing on behalf of the Objector, and Burton S. Odelson, appearing on behalf of the Candidate.

The Candidate did not file a Motion to Strike or Dismiss.

The Records Examination commenced and was completed on June 24, 2014. The Candidate needs 1000 signatures to be on the ballot. The Candidate submitted 1363 signatures. The examiners ruled on objections to 809 signatures. 427 objections were sustained leaving 936 signatures which is 64 signatures less than the required number of signatures.

Neither party filed a Rule 9 Motion.

For the foregoing reasons, I recommend that the Board: 1) sustain the Objector's Petition; ii) find that after the Records Examination, the Candidate is 64 signatures below the minimum requirement to have his name placed on the ballot; and iii) order that the name Brian J. Russell not be certified for the ballot as a candidate for the office of the State Senator for the 42nd Legislative District of the State of Illinois to be voted for at the General Election on November 4, 2014.

Dated: July 2, 2014



Kelly McCloskey Cherf
Hearing Officer